

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Clair John Glossner III Examiner: Pan, Daniel H.
Serial No: 10/713,502 Group Art Unit: 2183
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Examiner:

In response to the Advisory Action dated January 30, 2007, Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a Pre-Appeal Brief Request For Review Form (PTO/SB/33).

REMARKS

Please consider the following reasons for this Pre-Appeal Brief Request For Review.

Claims 3, 5-11, 14, 16-22, 25, and 27-33 are pending and stand rejected in the above-referenced application. Reconsideration of the rejection is respectfully requested in view of the remarks.

Claims 3, 5, 9-11, 14, 25, 27 and 31-33 are the pending independent claims. Only rejections pertinent to Claims 3, 5, 9-11, 14, 25, 27 and 31-33 are addressed here.

Claims 3, 5-11, 14, 16-22 and 25, 27-33 have been rejected under 35 USC 101, as being directed to non-statutory subject matter.

Referring to Claims 3, 5, 9-11; Claims 3, 5, 9-11 claim, *inter alia*, “a pointer array electrically coupled by a bus to the vector data file, the pointer array including a plurality of entries wherein each entry identifies at least one storage element in the vector data file.” The “bus” as recited in Claim 3 grounds the claims in hardware, e.g., electrically coupling a pointer array and a vector data file. Such a bus is not implemented in software. Respectfully, the Examiner appears to have ignored the plain language of the claim in referencing the specification for software implementations. Indeed, interpreting a bus as software is contrary to the plain meaning of the word “bus.” The Applicant’s have not claimed a signal as the Examiner suggests – applicants note that the portion of the 101 Guidelines cited by the Examiner is directed to “claims that recite nothing but the physical characteristics of a form of energy” (page 55, lines 4-5), clearly this portion of the 101 Guidelines is not applicable to Claims 3, 5, and 9-11 as no physical characteristics of a signal are claimed. The rejection of Claims 3, 5 and 9-11 on the basis that nothing but physical characteristics of a form of energy are claimed is believed to be a clear error in the rejection.

Further, the claims are directed to a computer processor and more particularly to its architecture, and further to an architecture including a bus electrically connecting a pointer array to the vector data file, see for example, Figures 1 and 2. Thus, the plain language of the claim is directed to hardware. With respect to the practical application of the claimed subject matter; the practical application is clearly in processing an operation, as claimed in the respective preambles. Therefore, Claims 3, 5, 9-11 are believed to be directed towards tangible subject matter and is statutory.

Referring to Claim 14; Claim 14 recites, *inter alia*, a computer-implemented method “updating at least one of the entries of the pointer array based on one of data read out from at least one data element in the vector data file and data generated by performing an increment operation on data read from at least one entry of the pointer array, wherein at least two entries of the pointer array are updated as part of a same logical operation.” Such an updating, and the resulting pointer array, allow for “at least two entries of the pointer array are updated as part of a same logical operation” – a practical application of the method. Exemplary uses of such an update include flexible addressing, reducing program sizes, increasing processor efficiency, etc. (see page 28, lines 4-20). The practical application of the updated data is clearly in the performance of processing operations – each update being a practical application of the method in furtherance of the operations. In Claim 14, at least two entries of the pointer array are updated as part of a same logical operation. The updated entries of the pointer array are a reduction of one of data read out from at least one data element in the vector data file and data generated by performing an increment operation on data read from at least one entry of the pointer array; the updated entries of the pointer array are therefore believed to be a useful,

tangible and concrete result of the application of the claimed limitations. Therefore, Claim 14 is believed to be directed towards statutory subject matter.

Claims 7 and 8 depend from Claim 3. Claim 6 depends from Claim 5. Claims 16, 18 and 19-22 depend from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims. Reconsideration of the rejection is respectfully requested.

As to Claims 25-27 and 31-33, the Examiner stated essentially that the claims are not directed towards tangible embodiments.

Claims 25, 27 and 31-33 are directed towards, “A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for processing operations that use data vectors each comprising a plurality of data elements”

A claim to a computer readable medium encoded with functional descriptive material that can function with a computer to effect a practical application that results in a useful, concrete and tangible result is believed to satisfy Section 101; see for example, U.S. Patent 5,710,578 to Beauregard et al. Such claims, e.g., those directed towards a program storage device are well established as being statutory subject matter. Accordingly, the maintenance of the rejection is believed to be in clear error. Therefore, Claims 25, 27 and 31-33 are believed to be directed towards statutory subject matter.

Further, referring in particular to Claims 25 and 27, which claim, *inter alia*, “updating at least one of the entries of the pointer array based on one of data read out from at least one data element in the vector data file and data generated by performing an increment operation on data read from at least one entry of the pointer array, wherein at least two entries of the pointer array

are updated as part of a same logical operation” and “updating at least one of the entries of the pointer array based on one of data read out from at least one data element in the vector data file and data generated by performing an increment operation on data read from at least one entry of the pointer array, wherein the increment operation further includes at least one of a modulo operation and a stride operation on data read from at least one entry of the pointer array”, respectively; each such update is a practical application of program storage device and associated method in furtherance of the operations that use data vectors.

Claims 29 and 30 depend from Claim 25. Claim 28 depends from Claim 27. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims.

Therefore, in view of the clear errors in the rejections under 35 USC 101, reconsideration of the rejections is respectfully requested.

For the forgoing reasons, the present application, including Claims 3, 5-11, 14, 16-22, 25, and 27-33, is believed to be in condition for allowance. Early and favorable action is respectfully urged.

Respectfully submitted,

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